

CITY OF KANNAPOLIS, NC
BOARD OF ADJUSTMENT
Minutes of Regular Meeting
Tuesday, October 13, 2015

The Board of Adjustment met on Tuesday, October 13, 2015 at 6:00 PM at the Kannapolis Train Station, 201 South Main Street, Kannapolis, North Carolina.

Board Members Present: Jeff Parker
Jonathan Farmer
Andrew Baker
Colby Meadows
Scott Wilson
Boyd Hardin

City Attorney: Walter Safrit

Board Members Absent: James Palmer
Thomas Van Etten
Ryan Craft

Visitors: None

Staff Present: Zachary D. Gordon, AICP, Planning Director
Kassie Watts, AICP, CZO, Senior Planner
Wesley Webb, P.E. Engineering
David Jordon, IT

Recording Secretary: Pam Scaggs

CALL TO ORDER

Board Chairman Jeff Parker called the meeting to order.

ROLL CALL AND RECOGNITION OF QUORUM

Recording Secretary Pam Scaggs called the roll. The presence of a quorum was recognized by Chairman Parker.

APPROVAL OF AGENDA

Chairman Parker asked for a motion to approve the agenda which was made by Mr. Farmer, seconded by Mr. Baker and the motion was unanimously approved.

SWORN IN FOR TESTIMONY

Staff Members Kassie Watts, Zac Gordon, Wilmer Melton, and Wesley Webb on behalf of the City of Kannapolis; David and Gwen Faggart representing Faggart Family Trust, and Chris Capellini representing Bohler Engineering were sworn in before presenting testimony.

1 **APPROVAL /CORRECTION OF MINUTES**

2 Chairman Parker requested a motion to approve the August 4, 2015 minutes which was made by
3 Mr. Meadows, seconded by Mr. Baker and the motion was unanimously approved.
4

5 Chairman Parker requested a motion to approve the September 8, 2015 minutes which was made
6 by Mr. Farmer, seconded by Mr. Wilson and the motion was unanimously approved.
7

8 City Attorney, Walter Safrit, noted there has been a change in the State Statutes therefore both
9 cases being presented will only require a majority vote.
10

11 **Faggart Family Trust – Watershed Protection Overlay District Modification (BOA-2015-10)**

12 Senior Planner, Kassie Watts, gave a PowerPoint presentation regarding a request for a Watershed
13 Protection Overlay District boundary modification. The applicant, David C. Faggart, is appealing
14 the location of the Coddle Creek Reservoir Watershed Critical Area boundary, as identified on the
15 Official Zoning Map of the City of Kannapolis and as defined in Article 4.16, Water Protection
16 Overlay Districts. The subject areas under consideration for modification encompass 3.16 acres
17 as shown on a map prepared by Samuel L. King Jr., P.E., King Engineering of Concord, Inc. and
18 are located off Macedonia Church Road. The property is zoned AG – Agricultural District and is
19 further identified as Cabarrus County Parcel Identification Number 4691-79-5791. Ms. Watts
20 requested that the staff report be entered into record.
21

22 Ms. Watts noted that the total property measure 27.4 acres and the modification request will result
23 in 1.64 acres added to, and 3.16 acres removed from, the Coddle Creek Reservoir Critical Area, or
24 a net decrease of 1.52 acres. Ms. Watts also stated that adjacent property owners were notified via
25 mail as well as appropriate signage posted on the site. Ms. Watts introduced aerial and zoning
26 maps identifying the subject area. Ms. Watts also displayed a map prepared by Mr. King depicting
27 the current Watershed Boundary as well as the proposed Watershed Boundary.
28

29 Ms. Watts noted that Julie Ventaloro with the Stormwater Permitting Program of the NC Division
30 of Energy, Mineral, and Land Resources has reviewed the appeal request, materials, and evidence
31 presented by the applicant and “preliminarily” approved the modification to the Watershed
32 Protection Overlay District on September 21, 2015. Ms. Watts also noted the Board of Adjustment
33 will need to first approve the appeal request and then the Planning & Zoning Commission will
34 need to approve an amendment to the City of Kannapolis Official Zoning Map before the NC
35 Division of Energy, Mineral and Land Resources can officially approve the modification.
36

37 Ms. Watts introduced Wesley Webb, P.E. with the City of Kannapolis Engineering Department
38 and stated that Mr. Webb has reviewed the request, materials and evidence presented by the
39 applicant and is in agreement with the analysis and map completed by Mr. King. Ms. Watts noted
40 that the 1.52 acres being removed from the Coddle Creek Watershed Critical Area drains into an
41 unnamed tributary to Coddle Creek that connects to Coddle Creek downstream of the reservoir.
42 According to Mr. Webb, this area is no longer located within a Watershed Protection Overlay Zone
43 (see memo from Mr. Webb submitted within the staff report).
44

1 **STAFF RECOMMENDATION**

2 Based upon the survey and representations of the applicant's Engineer, Samuel L. King Jr., and
3 concurrence of Mr. Webb, Planning staff recommends approval of the requested Watershed
4 Protection Overlay District boundary modification.
5

6 With regard to adjustments to exterior boundaries of the Watershed Protection Overlay District,
7 Section 4.16.5 of the Unified Development Ordinance (UDO) states:

8 *In determining whether a property or part of a property drains to the Watershed as indicated*
9 *on the Map, the Board of Adjustment shall base its determination on actual field conditions of*
10 *the property as determined by topographical conditions. In making its determination, the*
11 *Board of Adjustment may require the appellant to produce relevant expert testimony and*
12 *exhibits.*
13

14 **ACTION REQUESTED**

15 The Board of Adjustment should consider all facts and testimony after conducting the public
16 hearing and render a decision accordingly.

- 17 1. Motion to accept the City's exhibits into record
18 2. Motion to approve, approve with conditions, or deny the Watershed Protection Overlay
19 District boundary modification.
20

21 Chairman Parker asked for a definition of a watershed and its purpose. Ms. Watts responded that
22 a watershed area is a buffer around a body of water, in this case Coddle Creek, which encompasses
23 an area that drains into a water body, where limits are imposed on the amount of impervious surface
24 and other types of uses that are permitted in an effort to protect the water resource.
25

26 There being no further questions for staff, Chairman Parker opened the Public Hearing at 6:17 PM.
27

28 David Faggart, Trustee for the Faggart Family Trust, stated that they are requesting the
29 modification because there have been updates to the way engineers can detect the way in which
30 water flows. Through their studies, King Engineering has discovered that there are areas that
31 should be included in the watershed and areas that should be removed from the watershed.
32

33 Attorney Walter Safrit asked if the surveyor is present. Ms. Watts responded that Mr. King is not
34 present for the meeting.
35

36 Attorney Safrit asked Mr. Webb if he was familiar with the survey presented by staff? Mr. Webb
37 responded "yes". Attorney Safrit asked if, to the best of Mr. Webb's knowledge, the survey is
38 accurate? Mr. Webb responded "yes". Attorney Safrit asked if the modification were approved,
39 would there be any changes to the flow of the water? Mr. Webb responded that there will be no
40 change. The directional flow of the water is dependent on the land terrain. Mr. Webb stated the
41 proposed map modification is an accurate representation of the current condition. Mr. Safrit asked
42 if there had been any engineering activities that caused the change? Mr. Webb responded that it
43 appears to be a matter of an outdated map. The original maps were based on topographical studies
44 performed by the United States geological services in the 1970's. Mr. Webb noted that they were
45 very large scale maps with a "broad stroke of a fine area". Attorney Safrit asked what tributary
46 handles the drainage? Mr. Webb responded that it will drain into an unnamed Coddle Creek

1 tributary just below the dam as opposed to where it currently flows above the dam. Attorney Safrit
2 asked if that change of flow would cause any environmental issues? Mr. Webb responded “no”.
3

4 Chairman Parker asked Mr. Webb if the original survey was performed prior to the development
5 of the Coddle Creek reservoir? Mr. Webb responded “yes”. Chairman Parker asked if this change
6 would “balance” everything? Mr. Webb responded that it would.
7

8 Attorney Safrit asked if it was clear to Mr. Webb that the property designated on the map as being
9 removed from the Watershed is no longer within the watershed? Mr. Webb responded “that is
10 correct”.
11

12 There being no additional questions or testimony, Chairman Parker closed the public portion of
13 case BOA-2015-10 at 6:22 PM
14

15 Chairman Parker asked for a majority vote to either approve or deny the water modification. Ms.
16 Watts indicated that the City’s exhibits would need to be accepted into record. Mr. Farmer made
17 the motion to accept the City’s exhibits into record which was seconded by Mr. Meadows and the
18 motion was unanimously approved.
19

20 Chairman Parker asked for a motion to approve the Findings of Fact. Attorney Safrit stated that
21 the Findings of Fact are:

- 22 1. The submitted survey is a true and accurate representation of the current watershed
23 boundaries and also of the old watershed boundaries.
- 24 2. The areas designated as being added to and those being removed from, the watershed
25 boundary, are accurate representation of the true facts as found by testimony.
26

27 Mr. Farmer made the motion to accept the Findings of Fact as presented by Attorney Safrit which
28 was seconded by Mr. Hardin and the motion was unanimously approved.
29

30 Chairman Parker requested a motion to affirm or deny the Watershed Protection Overlay District
31 boundary modification. Mr. Farmer made the motion to affirm which was seconded by Mr. Baker
32 and the motion was unanimously approved.
33

34 Attorney Safrit stated that the Commission should make a motion that the Official Zoning map, as
35 submitted by King Engineering, be updated to reflect the correct conditions and that it be part of
36 the Findings of Fact. Mr. Farmer made the motion to affirm that the map, submitted by King
37 Engineering, is accurate and ordered that the Official Zoning Map be adjusted to reflect changes
38 as depicted on map prepared by King Engineering which was seconded by Mr. Baker and the
39 motion was unanimously approved.
40

41 **Bohler Engineering-Convenience Store-Fuel Station – Conditional Use Permit BOA-2015-14**

42 Planning Director, Zac Gordon, introduced Josh Langen, Senior Planner, to the Board and then
43 proceeded to give a PowerPoint presentation request for a Conditional Use Permit. The applicant,
44 Bohler Engineering, is requesting a Conditional Use Permit for a Convenience Store with Fuel
45 (Gas). The site is a .8 acre portion of a greater 5.67 acre parcel located at 421 N. Main Street and
46 is further identified as Cabarrus County Parcel Identification Number 5614-72-4262. The property
47 is currently zoned CC (Center City). Mr. Gordon stated that notification of the public hearing was

1 mailed to adjacent property owners and proper signage was posted on the site. He also noted that
2 per the Unified Development Ordinance (UDO), a Conditional Use Permit is required to develop
3 a Gas Station within the CC District.
4

5 Mr. Gordon introduced both aerial and zoning maps to detail the location of the proposed site. Mr.
6 Gordon also referenced a site plan as well as a rendering of the proposed convenience store. He
7 noted that the proposed site is a .8 acre portion of a greater 5.67 acre parcel, adjacent to a potential
8 grocery store. The subject parcel is zoned CC (Center City) which allows for a Convenience Store
9 with or without Gas, with a Conditional Use Permit and pursuant to supplemental regulations. The
10 proposed principal structure is a one-story 756 square foot “kiosk” along with a fuel canopy, as
11 shown on the preliminary site plan. The site will share access with the remainder of the parcel
12 along Main Street and is shown to have internal access to parking for future uses. A road will be
13 constructed to access the proposed site from North Main Street and intersect with Charles Babbage
14 Road.
15

16 Section 3 of the UDO states:

17 *3.5.1.1 – Conditional uses are generally compatible with the land uses permitted by right in a*
18 *zoning district, but which require individual review of their location, design, and*
19 *configuration. Conditional use permits ensure the appropriateness of the use at a particular*
20 *location within a given zoning district.*

21 *3.5.2.5 – The Board of Adjustment may place conditions on the use as part of the approval to*
22 *assure that adequate mitigation measures are associated with the use. The conditions shall*
23 *become a part of the conditional use permit approval and shall be included in the final site*
24 *plan application.* Mr. Gordon noted that any approval that is granted still needs to go through
25 the Technical Review Committee process to ensure that engineering compliance and UDO
26 compliance

27 *3.5.3 – Uses permitted subject to conditional sue review criteria shall be permitted only after*
28 *review and approval by the Board of Adjustment only if the applicant demonstrates that [the*
29 *proposed uses in in compliance with findings of fact listed in Section 3.5.3].*
30

31 **FINDINGS OF FACT**

32 **Finding of Fact #1**

33 **The proposed conditional use will be in harmony with the area in which it is to be located**
34 **and in general conformance with the City’s Land Use Plan.**

35 The site is located within a parcel that is conceptually proposed for a Grocery Store use. The
36 property is zoned CC, Center City, which allows for commercial uses. The parcel is adjacent to
37 a vacant parcel also zoned CC and is at the corner of a large CC district bounded by North Loop
38 Rd. The 2015 Land Use Plan (LUP) proposes a Central Business District land use designation for
39 the property which includes a mix of retail, office and other uses. The current CC zoning district
40 also advocates and allows for a variety of uses, including a convenience store – by CU permit,
41 which can be considered to be in harmony with the surrounding area and in general conformance
42 with the Land Use Plan. The Kannapolis Center City Master Plan proposes Office/Research as
43 the future land use for this sector of the Center City District. Further, the Land Use and
44 Development Recommendations, Section L-1, of the Master Plan states, “this area will be focused
45 on supporting the growth and development of the NCRC [North Carolina Research Campus],
46 with a focus on office and institutional uses, with some inclusions of commercial development

1 along the periphery of the campus.” As this proposal is located along the periphery and will
2 provide commercial service needed to support the NCRC, it is therefore considered to be in
3 harmony with the Center City Master Plan.
4

5 **Finding of Fact #2**

6 **Adequate measure shall be taken to provide ingress and egress so designed as to minimize**
7 **traffic hazards and to minimize traffic congestion on the public roads.**

8 The site is part of a larger parcel located at the intersection of North Loop Rad and N. Main Street.
9 The parcel is bisected by Charles Babbage Lane, a Public Right-of-way (ROW), which will also
10 serve as the Northwest boundary and access for the conceptual Grocery Store. The plans also
11 show a proposed private street to bisect the property west of the conceptual Grocery Store and
12 proposed Convenience Store and intersect with N. Main Street. Based on the anticipated addition
13 of traffic to and from the proposed convenience store/gas station, the City’s Engineering
14 Department is recommending the installation of a left-turn lane (with adequate storage capacity)
15 from N. Main Street to the proposed private street. This recommendation will be addressed as part
16 of the Final Site Plan review process.
17

18 **Finding of Fact #3**

19 **The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust,**
20 **smoke or gas.**

21 Staff does not believe that the proposed use will be overly noxious or offensive. The trash and
22 recycling dumpsters shall comply with the standards of Article 11.1.2.2, Solid Waste Storage Areas
23 of the UDO.
24

25 **Finding of Fact #4**

26 **The establishment of the proposed use shall not impede the orderly development and**
27 **improvement of surrounding property for uses permitted within the zoning district.**

28 The site and parcel are located within a Center City zoning district hosting the new City Hall,
29 the North Carolina Research Campus as well as the downtown area. A substantial amount of
30 acreage is available for development. The proposed use will be located within a parcel which
31 the conceptual site plan shows to be connected to an existing road network and adjacent parcels
32 through future public ROWs, along with existing and proposed public and private streets. The
33 Kannapolis Center City Master Plan, Section L-7 Rezoning Policies, advocates that proposals
34 should not be, “speculative or arbitrary in nature, and tied directly to a proposed development.
35 This will help to ensure that an oversupply of commercially zoned property does not emerge,
36 and depress the market for commercial property”. The site plan shows internal access and
37 connections to a future development conceptual plan, in order to ensure coordinated
38 development and a balanced approach to satisfying the various commercial needs of the Center
39 City. Therefore, the proposed use is not anticipated to impede the orderly development and
40 improvement of the Center City.
41

1 **Finding of Fact #5**

2 **The establishment, maintenance, or operation of the proposed use shall not be detrimental**
3 **to or endanger public health, safety, or general welfare.**

4 There is no apparent danger or detriment to the overall public safety, health and welfare resulting
5 from the proposed convenience store with fuel (gas), provided the site is constructed pursuant to
6 the UDO requirements and any conditions of approval.

7
8 **Finding of Fact #6**

9 **Compliance with any other applicable Sections of this Ordinance.**

- 10 • The proposed convenience store with gas requires a Conditional Use Permit and
11 compliance with Supplemental Use regulations for Convenience Stores (with or without
12 Gasoline sales) per Section 5.10 of the UDO. A maximum of 2,000 sq. ft. is allowed, with
13 756 sq. ft. being proposed.
- 14 • Section 5.10 also requires location on a thoroughfare or collector road and that all fueling
15 equipment be located a minimum of 25 feet from a public right-of-way and 10 feet from
16 any property line.
- 17 • Proposed site plan appears to have a configuration that will comply with the requirements
18 of Article 7 - Landscaping and Buffering Standards of the UDO, with a final landscaping
19 plan to be submitted and approved during Final Site Plan review.
- 20 • Section 11.5, Supplemental Designs Standards for Center City (CC) District, includes
21 additional requirements for building design and placement, as well as pedestrian access.
22 The proposed site plan appears to meet these requirements, with compliance to be
23 determined as part of Final Site Plan review.
- 24 • Preliminary Utility, Adequate Public Facilities and other requirements have received
25 initial review and stormwater requirements are anticipated to be in compliance with the
26 parameters of the NC Research Campus Impervious Tracking sheet.
- 27 • Proposed site plan appears to meet preliminary requirements of the UDO, with other
28 applicable standards to be met during the Final Site Plan review process, along with
29 conditions imposed by any approval granted.

30
31 **RECOMMENDATION**

32 **Case BOA-2015-14 Bohler Engineering – Convenience Store with Fuel**

33 Based on the above findings, staff recommends **approval with conditions** of the Conditional Use
34 Permit based on the approved staff Findings of Fact, the conceptual site plan, and compliance with
35 all Local, State and Federal ordinances.

36
37 **Conditions**

- 38 1. A NC Research Campus drainage basin development summary shall be submitted along
39 with the site plan in order track the existing and proposed allocation of impervious area
40 that is allowable for the Research Campus. A Stormwater Management Permit willnot be
41 required if the amount of impervious area of the proposed site is below the threshold for
42 the remaining acreage that can be built without the construction of a post-construction
43 stormwater treatment facility.
- 44 2. The FDC and hydrants shall comply and be approved by the Fire Department.
- 45 3. The Fire Department shall have access to the building and therefore, “AutoTurn” shall be
46 run with a CAD drawing file supplied by the developer/engineer.

4. All water and sewer mains shall be publicly maintained and located within a public right-of-way or utility easement.
5. The developer shall be responsible for designing, permitting and constructing water and sewer mains in accordance with City and WSACC standards.
6. Easements for Sanitary Sewer mains, Water mains, and Storm Sewer pipes need to be a minimum of 20-feet wide. Additional width may be required depending on the depth of the line.
7. Viable access shall be provided along all easements with a grade no greater than 15% for maintenance vehicles and cross slopes shall not exceed 5%.
8. A left turn lane with adequate storage for vehicles turning from North Main Street onto the private street providing access to the site will be required unless determined to not be necessary by the Director of Public Works after review of any Traffic Impact Study prepared for the site. Kannapolis and NCDOT will also need to review and approve any additional recommended improvements indicated by any such Traffic Impact Study.
9. A full access driveway will be allowed on North Main Street in conjunction with any left turn lane that may be required on North Main Street with sufficient storage to the site.
10. A right-in/right-out will be allowed from Charles Babbage Lane in conjunction with a directional cross-over on Loop Road in order to turn left onto Charles Babbage Lane.
11. A right-in/right-out driveway from the grocery store onto Loop Road will be allowed along with a planted island on Loop Road.
12. The overall plan view is for context only and the proposed internal streets and parking areas shall be reviewed through the Technical Review Committee (TRC) upon a complete submittal of site plans.

If the Board of Adjustment approves the CUP, the applicant will be required to submit a fully engineered site plan to TRC to ensure all conditions and requirements of the UDO are met.

ACTION REQUESTED

The Board of Adjustment should consider all facts and testimony after conducting the public hearing and render a decision accordingly to approve, approve with conditions, or deny the Conditional Use Permit.

1. Motion to accept the City's exhibits into the record
2. Motion to approve/revise findings of fact proposed by Planning staff for the Conditional Use Permit
3. Motion to approve, approve with conditions, or deny the issuance of the Conditional Use Permit.

Chairman Parker asked Mr. Gordon if he would refer back to the Site Plan and asked Mr. Gordon to confirm that the proposed location would not be at the corner of Main Street and Loop Road but would actually be just south of that corner? Mr. Gordon confirmed "yes". Chairman Parker asked if there would be any access from Loop Road other than from Charles Babbage Road? Mr. Gordon responded that there would be a private road with right-in/right-out constructed between the proposed Convenience Store and potential Grocery Store. Chairman Parker asked if there were plans in place for the grocery store? Mr. Gordon responded that plans have not been submitted but the proposed layout would allow for a grocery store.

1 Mr. Baker asked where the Grocery Store would be located? Mr. Gordon responded that the store
2 would be located behind the Convenience Store. Mr. Gordon directed the Board's attention to the
3 site plan and noted that a private drive would be constructed to run parallel with Laureate Way and
4 connect to Charles Babbage Road. He reiterated that a private street will be constructed in front
5 of the proposed grocery store due to Center City (CC) District zoning that requires all buildings
6 have "*frontage on a public street, square or plaza*". Mr. Gordon noted that a text amendment was
7 recommended by the Planning & Zoning Commission to allow for frontage on a private street
8 which was heard by City Council on September 21, 2015.

10 Chairman Parker asked if the proposed private street constructed from North Main Street to
11 Charles Babbage Road is included in BOA-2015-14? Mr. Gordon responded "no" and noted that,
12 as part of the potential Grocery Store, further development on the site will require review from
13 TRC. He added that any development approved as part of this CUP would be designed in
14 coordination with additional development on the remainder of the site.

16 Mr. Meadows asked if signage is included as part of BOA-2015-14 or would that be a separate
17 case? Mr. Gordon responded all signage would have to comply with CC District zoning
18 requirements and added that signs shown on the rendering would be comparable to what is
19 installed.

21 Mr. Hardin asked if a fuel station is the first thing that visitors to Kannapolis want to see as they
22 approach the downtown area? Mr. Gordon responded that the proposed site is located in CC
23 District and that a Convenience store with fuel is allowed by right. He added that design standards
24 within CC District are higher than in other parts of the city and that Castle & Cooke (property
25 owner) has their own design requirements so the building will be high quality (i.e. brick and other
26 architectural treatments). Mr. Gordon also noted there will be landscaping (including a low brick
27 wall) on Main Street to screen view of the pumps from the road and that there are also discussions
28 with Castle & Cooke to "dress-up" the corner of Loop Road and Main Street that would also help
29 screen view of the pumps.

31 There being no further questions from the Board, Chairman Parker opened the public hearing at
32 6:53 PM.

34 Chris Capellini, with Bohler Engineering, reiterated that the request is for a Conditional Use Permit
35 to construct a Convenience store with fuel and noted that Bohler has been working with Castle &
36 Cooke to ensure that the proposed building is integrated into the existing architecture of the CC
37 District and NCRC campus. Mr. Capellini directed the Board's attention to a site rendering and
38 indicated that the proposed Convenience Store, along with the Grocery Store, would be built at the
39 same time and would be the anchor for further retail development. He noted that Bohler is working
40 with NCDOT to ensure the proposed right-in/right-out locations are compliant with state standards.
41 Mr. Capellini added that a concrete median will be constructed on Loop Road at the proposed
42 private street in front of the grocery store to ensure right-in/right-out access only. Mr. Capellini
43 also stated that a knee-height wall will be constructed along North Main Street with added
44 landscaping to help mask view of fuel pumps.

46 Mr. Hardin asked if the Convenience Store will offer diesel fuel? Mr. Capellini responded "yes",
47 and that there would be eight (8) total pumps in four (4) islands.

1 Chairman Parker asked Mr. Capellini to confirm that the Convenience Store would be built at the
2 same time as the Grocery Store, which Mr. Capellini confirmed. Chairman Parker asked if both
3 would be owned by the same company and Mr. Capellini responded "yes" although a tenant has
4 not been disclosed pending final negotiations with Castle & Cooke. Chairman Parker asked if all
5 proposed accessibility from Loop Road and Main Street would be constructed at the same time as
6 the buildings are constructed? Mr. Capellini responded "yes, all construction would take place at
7 the same time". Chairman Parker asked if access to Charles Babbage Road would be updated due
8 to increased traffic? Mr. Capellini responded access to Charles Babbage Road would consist of a
9 three quarter (3/4) movement meaning that it would be right-in/right-out as well as a left-turn lane
10 onto Charles Babbage Road from Loop Road which will be completed with a concrete median
11 constructed by NCDOT.
12

13 Mr. Wilson asked if the full-access road from North Main Street will be a non-regulated (i.e. non-
14 signalized) intersection? Mr. Capellini responded "yes". Mr. Wilson voiced concern about further
15 development of CC District and the future impacts that this non-signalized intersection would
16 present. Mr. Capellini responded that if there are issues resulting from the intersection of North
17 Main Street and the proposed private street to Charles Babbage Road, the applicant would re-
18 evaluate the intersection and discuss any changes needed.
19

20 Mr. Baker asked if the proposed gas station would operate 24 hours a day? Mr. Capellini
21 responded that the store hours haven't been confirmed.
22

23 Wilmer Melton, Public Works Director with City of Kannapolis, introduced himself and stated
24 that with regard to the traffic movement concerns addressed by Mr. Wilson, Public Works will
25 review the intersection design from a technical perspective and advise if any changes are needed.
26 Mr. Melton also noted that Public Works has reviewed the right-in/right-out to be located at the
27 proposed private street and Loop Road as well as the three-quarter (3/4) movement proposed at
28 Charles Babbage Road and Loop Rd and is in agreement with those movements.
29

30 Mr. Safrit asked Mr. Melton if he was in agreement with the statement of Findings of Fact proposed
31 by staff that adequate measures were taken to provide ingress/egress into the property? Mr. Melton
32 responded "yes".
33

34 There being no further questions or testimony, Chairman Parker closed the public portion of this
35 case at 7:05 PM.
36

37 Chairman Parker requested a motion to accept the City's exhibits into record which was made by
38 Mr. Farmer, seconded by Mr. Meadows and the motion was unanimously approved.
39

40 Chairman Parker requested a motion to approve the findings of fact proposed by the staff for the
41 Conditional Use Permit which was made by Mr. Farmer, seconded by Mr. Baker and the motion
42 was unanimously approved.
43

44 Chairman Parker requested a motion to approve, approve with conditions or deny the issuance of
45 the Conditional Use Permit. Mr. Farmer made the motion to approve with the conditions submitted
46 by staff which was seconded by Mr. Meadows and the motion was unanimously approved.
47

1 **OTHER BUSINESS**

2 The date for the next Board of Adjustment meeting will be changed from November 3 to November
3 10, 2015 due to Election Day.
4

5 Chairman Parker asked if there were any cases for the November 10th meeting and Mr. Gordon
6 responded that a Certificate of Non-conformity Adjustment for Food Lion located on Dale
7 Earnhardt Boulevard regarding a sign change will be presented.
8

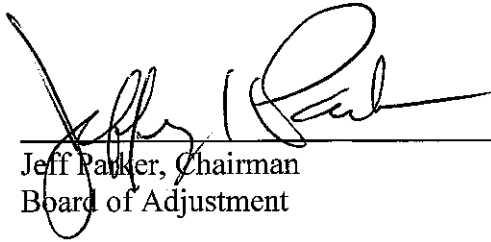
9 Mr. Parker asked the Board to review the previous months minutes prior to the meeting to avoid
10 delays in approving.
11

12 **ADJOURN:**

13 There being no further business, Chairman Parker asked for a motion to adjourn which was made
14 by Mr. Farmer, seconded by Mr. Meadows and the motion was unanimously approved.
15

16 The meeting adjourned at 7:09 PM on Tuesday, October 13, 2015.
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26 Pam Scaggs, Clerk to the Board
27 Board of Adjustment



Jeff Parker, Chairman
Board of Adjustment